

ORDINANCE 1788

AN ORDINANCE repealing Interim Ordinance No. 1787 and amending BMC Chapter 17.06 Definitions to add new Sections 17.06.592 Marijuana Processor, 17.06.594 Marijuana Producer, 17.06.596 Marijuana Retailer and 17.06.602 Medical Cannabis Collective Garden or Collective Garden, and amending BMC Chapter 17.42 M-1 Industrial District, Section 17.42.020 Permitted primary uses, to add Medical Marijuana/cannabis collective gardens and Recreational Marijuana Processors, Producers and Retail Stores, when licensed by the state.

WHEREAS, the Planning Commission conducted a public hearing on July 17, 2013 to consider amending the Zoning Code to add specific zoning standards to allow Medical marijuana/cannabis collective gardens and Recreational Marijuana Processors, Producers and Retail Stores ~~existing single family and duplex residences as a permitted primary use~~ in the M-1 Industrial District and B-P Business Park District subject to specific regulations, and

WHEREAS, uses permitted in the M-1 Industrial District are also permitted in the B-P Business Park District and subject to the same limitations, and

WHEREAS, Interim Controls have been in place since April 14, 2011, Ordinance 1735, followed by Ordinance 1741 on August 25, 2011, Ordinance 1757 March 8, 2012, Ordinance 1765 August 2012, and Ordinance 1787, and

WHEREAS, a duly advertised public hearing was conducted before the Burlington Planning Commission on July 17, 2013, and a recommendation made to the City Council to grant the proposed code amendment to establish permanent regulations, and

WHEREAS, the City Council has considered the record and the recommendation of the Planning Commission, and a decision has been made to grant the code change; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGTON DO ORDAIN AS FOLLOWS:

Section 1. Ordinance 1787, an Interim Ordinance relating to collective gardens and dispensaries of marijuana; amending Burlington Municipal Code Section to continue the moratorium adopted by Ordinance 1765 for six months, is hereby repealed.

Section 2. A new Burlington Municipal Code Section 17.06.592 is hereby added to read as follows:

"Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Section 3. A new Burlington Municipal Code Section 17.06.594 is hereby added to read as follows:

"Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Section 4. A new Burlington Municipal Code Section 17.06.596 is hereby added to read as follows:

"Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Section 5. A new Burlington Municipal Code Section 17.06.602 is hereby added to read as follows:

"Medical cannabis collective garden" or "collective garden" means any place, area or garden where qualifying patients share responsibility and engage in the production, processing, and/or delivery of marijuana/cannabis for medical use as set forth in Chapter 69.51A RCW and subject to the limitations therein.

Section 6. Burlington Municipal Code Section 17.42.020 is hereby revised and reenacted, the amended section to read as follows:

17.42.020 Permitted primary uses.

Hereafter all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

- A. Basic wood processing including sawmills, planing mills, veneering and laminating of wood;
- B. Building movers;
- C. Caretakers quarters, not more than one per establishment;
- D. Club, topless; provided that it shall be located a minimum of 1,000 feet from any residential zone, 1,000 feet from any school, public or private, 1,000 feet from any church, and 1,000 feet from any park, measured along the right-of-way;
- E. Cold storage plants;
- F. Commercial laundries;
- G. Contractor trade services including storage yards;
- H. Enameling, galvanizing and electroplating;
- I. Equipment repair and storage;
- J. Heavy equipment and truck repair;
- K. Household movers and storage;
- L. Janitorial services;
- M. Job training and vocational education;
- N. Lumber yards;
- O. Manufacturing, assembling and packaging of articles, products, or merchandise from previously prepared natural or synthetic materials, including but not limited to bristles, canvas, cellophane, and similar synthetics, chalk, clays, (pulverized only, with gas or electric kilns), cloth, cork, feathers, felt, fiber, fur, glass, (including glass finishing), graphite, hair, horn, leather, paper, paraffin, plastic and resins, precious or semi-precious metals or stones, putty, pumice, rubber, shell, textiles, tobacco, wire, wood, wool, and yarn;
- P. Manufacturing establishments engaged in electronic, automotive, aerospace, airframe, or related manufacturing and assembly activities, including precision machine shops producing parts, accessories, assemblies, systems, engine, major components, and whole electronic or electrical devices, automobiles, aircraft, aerospace, or underwater vehicles, but specifically excluding explosive fuels and propellants;
- Q. Manufacturing, processing, assembling and packaging of precision components and products, including precision machine shops for products such as radio and television equipment, business machine equipment, home appliances, scientific, optical, medical, dental, and drafting instruments, photographic and optical goods, phonograph records and pre-recorded audio-visual tape, measurement and control devices, sound equipment and supplies, personal accessories, and products of similar character;
- R. Manufacturing, processing, treating, assembling and packaging of articles, products or merchandise from previously prepared ferrous, nonferrous or alloyed metals;
- S. Manufacturing, processing, blending and packaging of products such as the following:
 - 1. Soaps, detergents and other basic cleaning and cleansing materials;
 - 2. Mineral products such as abrasives, asbestos, chalk, pumice, etc.;
 - 3. Clay and cement products such as brick, tile, pipe, etc.;

T. Manufacturing, processing, blending and packaging of the following:

1. Drugs, pharmaceuticals, toiletries, and cosmetics;
2. Food and kindred products, such as confectionery products, chocolate, cereal breakfast food, bakery products, paste products, fruits and vegetables, beverages, prepared food specialties (such as coffee, dehydrated and instant food, extracts, spices and dressings) and similar products;
3. Dairy products and by-products such as milk, cream, cheese and butter, including the processing and bottling of fluid milk, and cream and wholesale distribution;

U. Manufacturing, assembling, packaging and development of computer equipment and software, and related products;

V. Medical Marijuana/cannabis collective gardens and Recreational Marijuana Processors, Producers and Retail Stores: All such uses shall meet the following development standards:

1. The definitions set forth in Chapter 17.06 shall apply.

2. Medical Marijuana/cannabis collective gardens and Recreational Marijuana Processors, Producers and Retail Stores shall only be permitted when licensed by the State of Washington.

3. Location.

a. No more than one medical or recreational marijuana use or garden shall be located on a single parcel or in a single structure.

b. Shall be located fully within a permanent structure designed to comply with the city building code and constructed under a building permit from the city regardless of the size or configuration of the structure.

c. Shall not be located in a mobile structure.

d. Shall not be located within 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or arcade, single family residential zone or another medical or recreational marijuana use. The measurement shall be taken in a straight line from property boundary to property boundary.

e. No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.

f. All requirements of state laws must be met.

g. All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or storm sewer system nor be released into the atmosphere outside of the structure where the garden is located.

h. No odors shall be allowed to migrate beyond the interior portion of the structure where the garden or processing facility is located.

~~VW.~~ Motion picture theater, adult; provided that it shall be located a minimum of 1,000 feet from any residential zone, 1,000 feet from any school, public or private, 1,000 feet from any church, and 1,000 feet from any park, measured along the right-of-way;

~~WX.~~ Motor freight terminals and transportation;

~~XY.~~ Offices related to an on-site permitted use or larger than 50,000 square feet of floor area;

~~YZ.~~ On-site day care serving a specified permitted use;

~~ZAA.~~ On-site recreational facilities serving a specified permitted use;

~~AABB.~~ Outside storage yards;

~~BBCC.~~ Printing, publishing, and allied industries including such processes as lithography, etching, and engraving, binding, blueprinting, photocopying, and film processing;

~~CCDD.~~ Research, development and testing of permitted use;

~~DD EE.~~ Residences, existing single family and duplex;

~~EEFF.~~ Restaurants, limited to serving a permitted use on the same site;

~~FFGG.~~ Retail and wholesale trade of products manufactured, processed or assembled on-site;

~~GGHH~~. Warehousing and distribution facilities, to include wholesale trade not open to general public;

~~HHII~~. Other similar uses and accessory uses and buildings appurtenant to a principal use which the planning director finds compatible with the principal permitted uses described in this chapter and consistent with the purpose and intent of the M-1 zone;

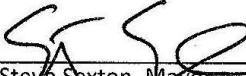
~~HJJ~~. Uses permitted in the C-1 general commercial and C-2 heavy commercial districts may be permitted on a portion of the site by the planning commission, in accordance with BMC 17.68.150. This review may be conducted only if there is a recommendation for approval by the planning director, in consultation with the public works director, fire marshal, building official and police chief, based on the following criteria:

1. The lot is deep or irregular and C-1 uses may not be appropriate on a portion of the site.
2. The site abuts a more intense use and a transitional use is a better fit with the character of the area

Section 7. This Ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.


INTRODUCED AND PASSED and approved at a regular meeting of the City Council this 14th day of November, 2013.

THE CITY OF BURLINGTON



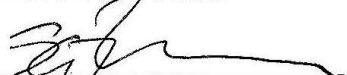
Steve Sexton, Mayor

ATTEST:



Crystil O. Robinson, Finance Director

APPROVED AS TO FORM:



Scott G. Thomas, City Attorney

Filed with the City Clerk:	11/6/2013
Passed by the City Council:	11/14/2013
Signed by the Mayor:	11/15/2013
Published:	11/18/2013
Effective Date:	11/23/2013